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BOX DAC
PATENT
0425-0781P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: MURATA et al. Conf.: 3356
Appl. No.: 09/554,513 Group: 1743
Filed: May 17, 2000 Examiner: S. P. SIEFKE
For: COLUMN FOR THE CONCENTRATION OF
COMPONENTS IN SAMPLE

PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT

BOX DAC
Assistant Commissioner for Patents
Washington, DC 20231

August 13, 2002

Sir:

In response to the Notice of Abandonment dated July 17, 2002, applicant hereby respectfully petitions under the provisions of 37 C.F.R. § 1.181 and MPEP § 711.03(c) for a decision to withdraw the holding of abandonment due to failure to receive an Office Action.

The Notice of Abandonment dated July 17, 2002 indicates that this application was abandoned in view of the applicant's failure to respond to an Office Action mailed on January 2, 2002. However, this Office Action was never received by the offices of the undersigned, and a search of the file jacket for the present application and the firm docketing records reveals that the Office Action of January 2, 2002 was never received. The offices of the undersigned did not become aware of the Office Action until advised of the holding of abandonment.



Appl. No. 09/554,513

The fact that the Office Action of January 2, 2002 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP is evidenced by Exhibits I, II, and III attached hereto.

Exhibit I is a copy of the front page of the file jacket of Appl. No. 09/554,513 (which corresponds to Attorney Docket No. 0425-0781P). It is the policy in our office to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petitions Examiner will note, there is no entry for the Office Action dated January 2, 2002 on the front page of the file jacket of the above-referenced application.

Exhibit II is a copy of the computer-generated daily docket sheet of Birch, Stewart, Kolasch & Birch, LLP for the date of April 2, 2002 (the due date for said Office Action), containing entries made by our Docketing Department of due dates in response to PTO actions. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our computer docketing system.

Although Application Numbers, Titles, Client Names, and Inventor Names have been redacted from this Exhibit to avoid public disclosure of these matters once the present application is patented, it is still clear that there is no entry for the due date of April 2, 2002 which corresponds to the current application, Attorney Docket No. 0425-0781P.

The undersigned certifies that he has reviewed the computer-generated daily docket sheets for the due date of April 2, 2002 and did not locate an entry which corresponds to Appl. No. 09/554,513 to inventors Kaoru Murata, Nariyasu Mano and Naoki Asakawa.

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with mailing of an Office Action since the Office Action dated January 2, 2002 was never received in the offices of Birch, Stewart, Kolasch and Birch. The present Petition is timely filed for this purpose.

Since the above-mentioned Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this Petition. In the event that a petition fee is deemed necessary by the USPTO, it is respectfully requested that the fee of \$130.00 as set forth in 37 C.F.R. § 1.17(h)(1) be charged to Deposit Account No. 02-2448.

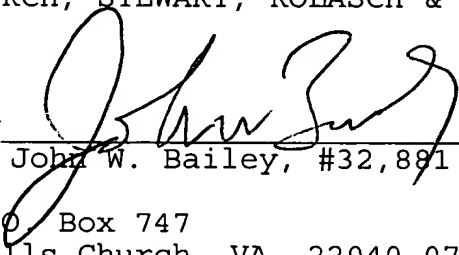
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Appl. No. 09/554,513

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


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JWB/end
0425-0781P

Attachments

(Rev. 11/09/01)